

PATENT COOPERATION TREATY

JS

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

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RECEIVED
12 DEC 2007
FILE No. 41792
G.E. EHRLICH (1995) LTD.

INVITATION TO PAY ADDITIONAL FEES

(PCT Article 17(3)(a) and Rule 40.1)

Applicant's or agent's file reference 41792	Date of mailing (day/month/year) 07/12/2007 d
International application No. PCT/IL2007/000893	International filing date (day/month/year) 16/07/2007
Applicant CONTIPI LTD.	

1. This International Searching Authority

- (i) considers that there are 3 (number of) inventions claimed in the international application covered by the claims indicated ~~below~~ on the extra sheet:

and it considers that the international application does not comply with the requirements of unity of invention (Rules 13.1, 13.2 and 13.3) for the reasons indicated ~~below~~ on the extra sheet:

- (ii) ☒ has carried out a partial international search (see Annex) ☐ will establish the international search report on those parts of the international application which relate to the invention first mentioned in claims Nos.:
see annex

- (iii) will establish the international search report on the other parts of the international application only if, and to the extent to which, additional fees are paid

2. The applicant is hereby **invited**, within the time limit indicated above, to pay the amount indicated below:

EUR 1.615,00 x 2 = EUR 3.230
Fee per additional invention number of additional inventions total amount of additional fees

Or, _____ x _____ = _____

The applicant is informed that, according to Rule 40.2(c), **the payment of any additional fee may be made under protest**, i.e., a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the amount of the required additional fee is excessive.

3. ☒ Claim(s) Nos. see annex have been found to be unsearchable under Article 17(2)(b) because of defects under Article 17(2)(a) and therefore have not been included with any invention.

Name and mailing address of the International Searching Authority
 European Patent Office, P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Peggy Willis

Important Information

General

- The claims cannot be changed at this point in the procedure, the transmitted report is not the international search report (see Art. 19 PCT).
- Any payment has to be made directly to this ISA, payments to other entities will not be accepted.
- In case of a total of more than 2 inventions found: when paying please specify exactly which claims should be searched.
- An extension of the set time limit cannot be granted.

Payment by cheque:

- The date to be considered as the date on which the payment is made is the date of receipt of the cheque at the EPO, provided that the cheque is met.
- Copies of cheques sent by fax or by post are not considered to be a valid payment.
- The fees shall be paid in euro, no equivalents in other currencies.

Payment or transfer to a bank account:

- The date to be considered as the date on which the payment is made is the date on which the amount of the payment or the transfer is actually entered in a bank account or Giro account held by the EPO.
- The fees shall be paid in euro, no equivalents in other currencies.

Payment by deposit account with the EPO:

- The date to be considered as the date on which the payment is made is the date that the authorisation to deduct fees from the deposit account is received at the EPO.

Note: If you don't have a deposit account with the EPO yourself you might want to consider using the account of an associate as a safe and quick way of paying.

Payment by credit card:

- Payments by credit card are not possible.

Payments under protest according to Rule 40 PCT:

- The protest will not be accepted without a payment of additional fees.
- The protest has to be accompanied by a technical reasoning.

New amounts for procedural fees as from 01/04/2006 (see OJ EPO 2006,8)!

- additional search fee: EUR 1615,00
- protest fee: EUR 1065,00

Important information

Rule 40 PCT has been amended as of 1 April 2005. For general information on the protest procedure at ISA/EP, please refer to OJ EPO 3/2005, pages 226/227.

1. As in the past the payment of any additional fee may be made under protest i.e. accompanied by a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the amount of the required additional fees is excessive according to amended Rule 40.2(c) PCT.
2. After due receipt of the payment of the additional search fee(s) under protest (i.e. within one month from the date of the invitation), the EPO will, prior to examination of the protest by the Board of Appeal, subject the invitation to pay additional fees to an internal review. The result of this review will be communicated to the applicant.
3. The fee for examination of the protest (Rule 40.2(e) PCT) is payable within one month from the date of the invitation to pay additional fees (Rule 40.1(iii) PCT). However, in order to allow the applicant to consider the result of the internal review, the applicant may pay the protest fee within one month from the date of notification of the result of the review.
4. Should the applicant wish to maintain his protest in light of the review he must pay the protest fee within one month from the date of notification of the result of the internal review, in which case the protest will be referred to the Board of Appeal. Should the Board of Appeal find that the protest was entirely justified, the protest fee shall be refunded.
5. In the event of the applicant already having paid the protest fee before notification of the result of the review, the protest will be referred to the Board of Appeal unless the result of the internal review was that the protest was entirely justified or the applicant indicates within one month from the date of notification of the result of the review that he does not wish to continue the protest. In both cases, the protest fee will be refunded.

European Patent Organisation

Account details

Bank account

N° 3 338 800 00 (BLZ 700 800 00)
Dresdner Bank
Promenadeplatz 7
D-80273 München
SWIFT Code: DRESDEFF700
IBAN: DE20 7008 0000 0333 880000
BIC: DRESDEFF

Giro account

N° 300-800 (BLZ 700 100 80)
Deutsche Postbank AG
Bayerstr. 49
D-80138 München

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. claims: 1-20,23-43,49-65

A system for treating urinary incontinence comprising an apparatus and an applicator coupled to said apparatus for facilitating insertion of the apparatus into the vagina; the apparatus comprises a node, a support section attached to the node and adapted for providing urethral support and an anchoring section attached to said apparatus opposite the support section and adapted for resisting movement of said apparatus.

2. claims: 21-22,44

A method for preserving shelf life and performance characteristics of a urinary incontinence treating device

3. claims: 45-48

An apparatus for treating urinary incontinence comprising: a plurality of rods, each characterised by a proximal section, a midsection and a distal section; an anchor base and a support base adapted to engage and retain each rod at the proximal section and midsection respectively; and an expansion mechanism comprising a hub and a spoke for each rod wherein each spoke is adapted at each end thereof to engage and retain a distal section of a rod and the hub is adapted to contact a neck of the support base

The first group of claims intends to define an apparatus to be inserted inside the vagina for treating urinary incontinence that is not large, uncomfortable and intrusive avoiding causing irritation or soreness of the vagina. To distend the vaginal wall, the defined apparatus needs to be flexible to allow it to extend into at least two of the three planar subsections that define the nominal curvature of the vagina. An associated applicator avoiding the need of a doctor to place the apparatus is also defined.

The second group of claims intends to define a method and an applicator for preserving shelf life and performance characteristics of a urinary incontinence treating device. It seems that the method and the applicator could be applied to any apparatus to treat female urinary incontinence. Moreover, it seems that keeping at least a support section of the device in a substantially un-compressed state preserves its shelf life and performance characteristics.

The third group of claims defines an apparatus provided with an expansion mechanism. Apparently the expansion mechanism enables the defined apparatus to better adapt to the morphology of the vagina.

These three groups of claims do not seem not to define the same

technical features. in fact, no correspondence (they are neither the same nor similar) between the defined technical features is envisaged. Moreover, each of them seem to intend to solve different problems. In conclusion, they do not appear to show a common inventive concept.

This Search Authority consequently invites the applicant to pay two (2) extra search fees before all the inventions in the present application can be searched.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 206

Continuation of Box 3.

Claim(s) not searched:
66-68

Rule 39.1(iv) PCT - Method for treatment of the human or animal body by therapy

**Annex to Form PCT/ISA/206
COMMUNICATION RELATING TO THE RESULTS
OF THE PARTIAL INTERNATIONAL SEARCH**

International Application No
PCT/IL2007/000893

1. The present communication is an Annex to the invitation to pay additional fees (Form PCT/ISA/206). It shows the results of the international search established on the parts of the international application which relate to the invention first mentioned in claims Nos.:
- see 'Invitation to pay additional fees'
2. This communication is not the international search report which will be established according to Article 18 and Rule 43.
3. If the applicant does not pay any additional search fees, the information appearing in this communication will be considered as the result of the international search and will be included as such in the international search report.
4. If the applicant pays additional fees, the international search report will contain both the information appearing in this communication and the results of the international search on other parts of the international application for which such fees will have been paid.

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 2005/087154 A (CONTIPI LTD [IL]; ZIV ELAN [IL]) 22 September 2005 (2005-09-22) the whole document -----	1-20, 23-43, 49-65

☐ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents :

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier document but published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

- "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- "&" document member of the same patent family

